

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	3:CR-18-0097
	:	
v.	:	(Judge Mariani)
	:	
ROSS ROGGIO	:	(Electronically filed)

MOTION TO CONTINUE TRIAL

AND NOW comes the Defendant, Ross Roggio, by his attorney, Gino Bartolai, Esquire, and files the following Motion to Continue Trial, and in support thereof avers the following:

1. On March 20, 2018, Roggio was charged in an Indictment with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; violations of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b) and (c); and the International Emergency Powers Act, Title 50, United States Code, Sections 1702 and 1705(c); smuggling goods from the United States, in violation of Title 18 United States Code Sections 554 and 2; wire fraud, in violation of Title 18, United States Code Section 1342; and money laundering, in violation of Title 18 United States Code, Sections 1956(a)(2)(A) and 2.

2. On March 23, 2018, Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment and entered a plea of not guilty to the charges.

3. Thereafter, beginning on March 29, 2019, Roggio filed numerous motions and briefs seeking the suppression of evidence and the early disclosure of Jencks Material.

4. On May 27, 2021, the Court conducted a Suppression Hearing and at Roggio's request permitted further briefing of the issues presented.

5. Subsequently, after receiving and reviewing the transcript from the Suppression Hearing, both Roggio and the Government filed post-suppression hearing briefs.

6. On November 2, 2021, the Court issued an Order and Memorandum denying Roggio's motion to suppress evidence and for the early disclosure of Jencks Material.

7. On December 15, 2021, the Court granted Roggio's unopposed Motion to Continue Trial, (Doc. 117), and rescheduled trial in the matter to commence on March 7, 2022.

8. Roggio is herein respectfully requesting at least a 90 day continuance of the trial for the reasons set forth below.

9. The case is complex. The case was designated as complex by Order dated October 12, 2018. (Doc 39).

10. On May 25, 2019, the undersigned counsel requested that the Court appoint an Investigator to assist Roggio in his defense. On June 19, 2019, the Court approved the undersigned attorney's request and James Sulima, JS Investigations and Consulting, began working on the case.

11. The undersigned counsel, Investigator Sulima, and Roggio have met and discussed the Government's case against Roggio and possible defenses thereto.

12. Roggio has identified several witnesses, both in the United States and in Estonia, Greece, and Iraq, that may be able to testify to facts and circumstances that demonstrate that Roggio had the necessary approval to engage in the activity alleged in the Indictment, and that he was acting under duress when so acting.

13. The undersigned counsel had, on June 19, 2019, submitted a case budgeting proposal and memorandum to Renee Edelman, the Case Budgeting Attorney for the U.S. Courts for the Third Circuit, which sought pre-approval for an anticipated investigation abroad. The process was put on hold due to the Corona Virus Pandemic.

14. On July 31, 2019, the undersigned counsel emailed Bridget Prince, the Director of www.oneworldresearch.com, an international investigative agency, in

an attempt to conduct an investigation in Iraq. On August 2, 2019, Ms. Prince replied to counsel's email and advised that they would be unable to help with an Iraqi investigation and that investigations in Iraq is very difficult.

15. Presently, the United States Government has in effect Level 4 - Do Not Travel advisories to Iraq, (11/22/21 Covid-19, Terrorism, Kidnaping, Armed Conflict, Civil Unrest, an Mission Iraq's limited capacity to provide support to U.S. Citizens), Greece, (8/2/21 Covid-19), and Estonia, (8/30/21 Covid-19).

<https://travel.state.gov>

16. The undersigned submits that at least a 90 day continuance is necessary in order to locate and interview the above-referenced witnesses. The anticipated presence of these witnesses at Roggio's trial is essential to his defense.

17. Additionally, the undersigned and Assistant United States Attorney Todd K. Hinkley have engaged in plea negotiations that may obviate the need for a trial.

18. Assistant United States Attorney Todd K. Hinkley has been contacted about the substance of this motion and stated that he does concur in it.

19. The delay occasioned by this motion is excluded from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(8)(A).

WHEREFORE, the Defendant, Ross Roggio, respectfully requests that this Honorable Court continue the Trial presently set for March 7, 2022, for at least 90 days, to a date no earlier than June 7, 2022. (90 days)

Respectfully submitted,

Date: February 3, 2022

s/Gino Bartolai
Gino Bartolai, Esquire
Attorney ID# PA 56642

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Attorney for Ross Roggio

CERTIFICATE OF CONCURRENCE

I, Gino Bartolai, Esquire, certify that on this date I contacted Todd K. Hinkley, Assistant United States Attorney, who advised that he does concur in the within **Motion to Continue Trial**.

Date: February 3, 2022

s/Gino Bartolai
Gino Bartolai, Esquire

CERTIFICATE OF SERVICE

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Motion to Continue Trial**, to the following

Todd. K. Hinkley, Esquire
Assistant United States Attorney

Ross Roggio

Date: February 3, 2022

s/Gino Bartolai
Gino Bartolai, Esquire